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27 **UNITED STATES DISTRICT COURT**
28 **EASTERN DISTRICT OF CALIFORNIA**

19 JONATHAN SANTIAGO, individually, and
20 on behalf of other members of the general
21 public similarly situated,

22 Plaintiff,
23 v.

24 **CIGNA HEALTH AND LIFE INSURANCE
25 COMPANY, a Corporation; and
DOES 1 through 50, inclusive,**

26 Defendants.

27 Case No.: 1:20-cv-01413-NONE-SKO

28 **JOINT STIPULATION AND ORDER
FOR TEMPORARY STAY OF ACTION**
(Doc. 15)

[On Removal from the Superior Court of the
State of California for the County of Tulare,
Case No. 284004]

Complaint Filed: August 19, 2020
Action Removed: October 2, 2020
Jury Trial Date: None

1 **TO THE HONORABLE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 It is hereby stipulated by and between the Plaintiff JONATHAN SANTIAGO (“Plaintiff”)
4 and Defendant CIGNA HEALTH AND LIFE INSURANCE COMPANY (“Defendant”)
5 (collectively, Plaintiff and Defendant are referred to as the “Parties”) and through their respective
6 attorneys of record, as follows:

7 **RECITALS OF JOINT STIPULATION STAYING ACTION TEMPORARILY**

8 WHEREAS, on August 19, 2020, Plaintiff filed his Class Action Complaint against
9 Defendant with the Superior Court of the State of California, County of Tulare, Case No. 284004;

10 WHEREAS, on October 2, 2020, Defendant filed its Notice of Removal of Civil Action
11 to Federal Court on the ground of original jurisdiction based on the Class Action Fairness Act
12 (“CAFA”);

13 WHEREAS, on October 23, 2020, Defendant filed its Motion to Compel Arbitration,
14 Strike the Class Claims, and Stay Action;

15 WHEREAS, Defendant’s Motion to Compel Arbitration is fully briefed but the Court has
16 not yet ruled on Defendant’s Motion to Compel Arbitration;

17 WHEREAS, on October 30, 2020, Plaintiff filed his Motion to Remand based on
18 Plaintiff’s allegations that Defendant has failed to prove by a preponderance of the evidence that
19 the amount in controversy meets the CAFA threshold;

20 WHEREAS, Plaintiff’s Motion to Remand is fully briefed but the Court has yet not ruled
21 on Plaintiff’s Motion to Remand;

22 WHEREAS, the Initial Scheduling Conference for this Action is set for December 17,
23 2020;

1 WHEREAS, in accordance with Federal Rules of Civil Procedure 16(b) and 26(f),
2 Counsel for the Parties met and conferred on November 25, 2020;

3 WHEREAS, in accordance with Rule 26(f), the Parties' Joint Rule 26(f) Report is due on
4 December 9, 2020;

5 WHEREAS, the Parties agreed to provide their Initial Disclosures on December 23, 2020;

6 WHEREAS, the Parties are in the process of discussing settlement including participating
7 in private mediation;

8 WHEREAS, in order to prevent the Parties from incurring further, potentially unnecessary
9 litigation expenses which could jeopardize settlement prospects, the Parties agree that the interests
10 of judicial economy and the interests of preserving judicial and party resources favor a temporary
11 stay of the Action, including the ruling of Defendant's Motion to Compel Arbitration, Plaintiff's
12 Motion to Remand, and the deadlines associated with the Initial Scheduling Conference, until
13 February 16, 2021 while the Parties continue their settlement efforts;

14 WHEREAS, no party to this Action will be prejudiced by this temporary stay;

15 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the
16 Parties, by and through their Counsel of record, as follows:

17 1. The Parties agree that the entire Action is stayed through February 16, 2021;
18 2. The Parties agree that no Order shall issue regarding Defendant's Motion to
19 Compel Arbitration and Stay Action until at least February 16, 2021;

20 3. The Parties agreed that no Order shall issue regarding Plaintiff's Motion to
21 Remand until at least February 16, 2021;

22 4. The Parties agree to continue the Initial Scheduling Conference, which is currently
23 set for December 17, 2020, until February 25, 2021 and to extend the time to file the Joint Rule
24

1 26(f) Report to February 18, 2021, or to a date thereafter that is most convenient for this Court;

2 5. The Parties agree to serve their Initial Disclosures by February 18, 2021.

3 4 DATED: December 4, 2020

PROTECTION LAW GROUP, LLP

5 6 By: /s/ Heather Davis
7 Heather Davis
8 Amir Nayebdadash
9 *Attorneys for Plaintiff*

10 DATED: December 4, 2020

LITTLER MENDELSON, P.C.

11 12 By: /s/ Carlos Jimenez
13 Carlos Jimenez
14 Linda Nguyen Bollinger
15 *Attorneys for Defendant*

ORDER

Having reviewed the Parties' above stipulation, and for good cause shown, the Court GRANTS the Parties' request and hereby ORDERS as follows:

1. The case is stayed through February 16, 2021;
2. No order shall issue regarding Defendant's Motion to Compel Arbitration, Strike the Class Allegations, and Stay Action (Doc. 6) until at least February 16, 2021;
3. No order shall issue regarding Plaintiff's Motion to Remand (Doc. 7) until at least February 16, 2021;
4. The Parties shall serve their Initial Disclosures by February 18, 2021; and
5. The Initial Scheduling Conference currently set for December 17, 2020, is continued to March 2, 2021, at 9:30 A.M., before Magistrate Judge Sheila K. Oberto. The parties shall file their joint scheduling report no later than seven (7) days before the conference.

IT IS SO ORDERED.

Dated: December 8, 2020

[s] Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE